

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Revision No.40 of 2019

Arising Out of PS. Case No.-236 Year-2018 Thana- BIHARSHARIF District- Nalanda

Nitish Kumar S/o late Lali Yadav resident of Village- Baswan, Bigha, P.S. Biharsharif, District- Nalanda Minor son of Late Lalit Yadav through under natural guardianship of his uncle namely Krishna Prasad, S/o Devanath Yadav, R/o Village- Basvan Bigha, P.S. Biharsharif, District- Nalanda.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Respondent/s

Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad
For the Respondent/s : Mr.Sri Ajit Kumar

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

3 05-02-2019 Heard learned counsel for the parties.

The present revision application has been preferred by the petitioner against the order dated 25.10.2018, passed by learned 1st Additional Sessions Judge-cum-Special Judge, Nalanda at Biharsharif in Juvenile Appeal No.13 of 2018, registered for the offences punishable under Sections 147, 148, 149, 448, 384, 302, 120B of the Indian Penal Code and Section 27 of the Arms Act by which, the appeal of the petitioner for grant of bail against the order dated 23.08.2018 of Juvenile Justice Board, Nalanda, Biharsharif in J.J. Board Case No.392/18 arising out of Bihar P.S. Case No.236/18 has been dismissed.

Informant is the father of deceased, who in his written



complaint has stated that his son was an employee in Indian Air Force and had come to village on 21.05.2018 and on 24.05.2018 at about 9.00 p.m., he heard sound of firing and noise outside his house and when his son went outside there, nine F.I.R. named accused asked his deceased son to give them, some money, upon which his son said that he had no money and thereafter all the F.I.R. named accused ordered Lal Bahadur Yadav to kill the son of the informant, upon which Lal Bahadur Yadav fired from his pistol which hit the head of the son of the informant and he died during treatment.

It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case merely on the basis of suspicion. Petitioner has no criminal antecedent.

According to the learned counsel for the petitioner, no fruitful purpose will be served if the petitioner is allowed to remain in the Remand Home. It has further been submitted on behalf of petitioner that from the record it does not appear that if the petitioner is released, he will be exposed to mental, physical and psychological danger.

Considering the above, this revision application is allowed. The order dated 25.10.2018, passed by learned 1st



Additional Sessions Judge-cum-Special Judge, Nalanda at Bihar Sharif is set aside.

The petitioner, above named, is directed to be released from the Remand Home on his furnishing bail bond of Rs.10,000/-(Rupees Ten Thousand) with two sureties of like amount each to the satisfaction of learned Juvenile Justice Board, Nalanda at Bihar Sharif in connection with J.J. Board Case No.392/18 arising out of Bihar P.S. Case No.236/18 subject to the condition that:-

One of the bailors of the petitioner shall be his father/mother who at the time of filing of the bonds, shall also give an undertaking that he/she will take good care of the petitioner and in case petitioner does not act as per his/her advice, he/she shall report the matter to the office-in-charge of the concerned police station and further during period of bail, the petitioner will be under the supervision of concerned Probation Officer.

This revision application stands allowed.

(S. Kumar, J)

Sanjay/-

U		T	
---	--	---	--

